

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROCKWELL AUTOMATION, INC.,

Plaintiff(s),

vs.

BECKHOFF AUTOMATION LLC, et al.,

Defendant(s).

Case No. 2:13-cv-01616-RCJ-NJK

ORDER DENYING PROPOSED
DISCOVERY PLANS WITHOUT
PREJUDICE
(Docket No. 60)

Pending before the Court is the parties' submission of competing proposed discovery plans, with their divergent views stemming from the request by Defendants to stay discovery pending resolution of Defendants' motion to dismiss or to transfer. Docket No. 60. The pending submission is not sufficiently developed to enable a decision by the Court on whether discovery should be stayed. Accordingly, the proposed discovery plans are hereby **DENIED** without prejudice. Defendants are ordered to file a motion to stay no later than November 22, 2013. Any response in opposition shall be filed no later than December 3, 2013, and any reply shall be filed no later than December 7, 2013.

Although the Court makes no determinations at this time, it does wish to convey some preliminary observations that may be applicable here. First, the Court has articulated standards applicable to a motion to stay discovery pending resolution of a motion challenging personal jurisdiction. *See Kabo Tool Co. v. Porauto Indus. Co.*, 2013 U.S. Dist Lexis 53570, *2 (D. Nev. Apr. 15, 2013) (discussing *AMC Fabrication, Inc. v. KRD Trucking West, Inc.*, 2012 U.S. Dist.

1 Lexis 146270 (D. Nev. Oct. 10, 2012)). Second, the pendency of a motion to transfer venue
2 pursuant to 28 U.S.C. § 1404(a) is not grounds to stay discovery under the analysis generally applied
3 in this District to motions to stay discovery. *See Kor Media Group, LLC v. Green*, ___ F.R.D. ___,
4 2013 WL 5838679, *2 (D. Nev. Oct. 29, 2013); *but see id.* at *2 n.3 (noting that the Court was not
5 deciding whether a stay would be appropriate under *Landis v. North American Co.*, 299 U.S. 248
6 (1936)). Third, generally a blanket stay of all discovery is only appropriate where a pending
7 dispositive motion will dispose of all claims against all defendants. *See FTC v. AMG Servs., Inc.*,
8 2012 U.S. Dist. Lexis 121935, *7 (D. Nev. Aug. 28, 2012); *see also Tradebay v. eBay*, 278 F.R.D.
9 597, 602 (D. Nev. 2011).

10 Unless otherwise ordered by the Court, in the event the Court determines that discovery
11 should not be stayed in its entirety, the parties shall confer and submit a proposed discovery plan
12 within 7 days of that determination.

13 IT IS SO ORDERED.

14 DATED: November 15, 2013

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18 NANCY J. KOPPE
19 United States Magistrate Judge
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